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Attorneys at Law  
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6 Telephone: 415.989.5900  
Facsimile: 415.989.0932  
7  
8 Attorneys for Plaintiff and Cross-Defendant  
San Jose Police Officers' Association

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF SANTA CLARA  
11

12 SAN JOSE POLICE OFFICERS'  
13 ASSOCIATION,

14 Plaintiff,

15 v.

16 CITY OF SAN JOSE, BOARD OF  
ADMINISTRATION FOR POLICE AND  
17 FIRE DEPARTMENT RETIREMENT PLAN  
OF CITY OF SAN JOSE, and DOES 1-10,  
inclusive,

18 Defendants.  
19

20 AND RELATED CROSS-COMPLAINT  
21 AND CONSOLIDATED ACTIONS

Case No. 1-12-CV-225926  
(and Consolidated Actions 1-12-CV-225928,  
1-12-CV-226570, 1-12-CV-226574,  
1-12-CV-227864, and 1-12-CV-2335660)

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT  
OF PLAINTIFF AND CROSS-DEFENDANT SAN  
JOSE POLICE OFFICERS' ASSOCIATION'S  
REPLY MEMORANDUM OF POINTS AND  
AUTHORITIES SUPPORTING ITS MOTION FOR  
ATTORNEYS' FEES**

Date: September 25, 2014  
Time: 9:00 a.m.  
Dept.: 2

The Hon. Patricia Lucas

Action Filed: June 6, 2012

22  
23 **REQUEST FOR JUDICIAL NOTICE**

24 Plaintiff San Jose Police Officers' Association ("SJPOA") respectfully requests that  
25 the Court take judicial notice of the below-described documents in support of its Reply  
26 Memorandum of Points and Authorities Supporting its Motion for Attorneys' Fees.  
27  
28

1                   **Request for Judicial Notice (“RJN”) 1:**

2                   Exhibit 1 is a true and correct copy of the press release from the Office of Mayor  
3 Chuck Reed concerning Measure B. The copy was obtained on July 29, 2014 from the City of  
4 San Jose public website at the following location:  
5 <http://www.sanjoseca.gov/ArchiveCenter/ViewFile/Item/2200>. The document is relevant for the  
6 reasons delineated in SJPOA’s Reply in Support of its Motion for Attorney’s Fees.

7                   **Authority for RJN 1:**

8                   Evidence Code section 452(b) authorizes a court to take judicial notice of an  
9 official report or policy statement issued by a government office. (*See Trinity Park v. City of*  
10 *Sunnyvale* (2011) 193 Cal.App.4th 1014, 1027 [“local ordinances and the official resolutions,  
11 reports, and other official acts of a city.”]; *Western States Petroleum Ass’n v. Department of*  
12 *Health Services* (2002) 99 Cal.App.4th 999, 1002, n1 [judicial notice of policy statements and  
13 memoranda of governmental agencies, including those published on the internet]; *Hoechst*  
14 *Celanese Corp. v. Franchise Tax Bd.* (1999) 76 Cal. App. 4th 914, 918, n.2 [same].)

15                   **Request for Judicial Notice (“RJN”) 2:**

16                   Exhibit 2 is a true and correct copy of the Santa Clara County Registrar of Voters’  
17 June 5, 2012 Election Results. The copy was obtained on July 29, 2014 from the City of San  
18 Jose’s public website, at the following location: [www.sccgov.org/elections/results/jun2012/](http://www.sccgov.org/elections/results/jun2012/). The  
19 document is relevant for the reasons delineated in SJPOA’s Reply.

20                   **Authority for RJN 2:**

21                   *See Authority for RJN 1.*

22                   **Request for Judicial Notice (“RJN”) 3:**

23                   Exhibit 3 is a true and correct copy of California Election Code section 9255  
24 (2014). The copy was obtained on September 18, 2014 from the State of California’s Legislative  
25 Information public website, at the following location: [http://www.leginfo.ca.gov/cgi-](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=elec&group=09001-10000&file=9255-9269)  
26 [bin/displaycode?section=elec&group=09001-10000&file=9255-9269](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=elec&group=09001-10000&file=9255-9269). This document is relevant  
27 for reasons delineated in the Reply.

28                   **Authority for RJN 3:**

1 Evidence Code section 452(b) authorizes a court to take judicial notice of  
2 "legislative enactments issued by or under the authority of the United States or any public entity in  
3 the United States." (*See Trinity Park v. City of Sunnyvale* (2011) 193 Cal.App.4th 1014.)

4 **Request for Judicial Notice ("RJN") 4:**

5 Exhibit 4 is a true and correct copy of a June 6, 2012 New York Times report, "San  
6 Diego and San Jose Lead Way in Pension Cuts", obtained on June 13, 2012, on the New York  
7 Times website. This is not a request to noticing the facts in the report, but the fact that the  
8 Measure B case was reported in the New York Times.

9 **Authority for RJN 4:**

10 Evidence Code section 452(h) existence of facts that are not reasonably subject to  
11 dispute and which are capable of immediate and accurate determination by resort to sources of  
12 reasonably indisputable accuracy. (Evid.Code § 452(h).) Accordingly, Court may take judicial  
13 notice of the fact that Measure B was discussed in the New York Times.

14 **Request for Judicial Notice ("RJN") 5:**

15 Exhibit 5 is a true and correct copy of a Bloomberg report, Raimondo Pension  
16 Overhaul Challenges Labor in Rhode Island Race. The copy was obtained on September 18, 2014  
17 from the Bloomberg public website at the following location:  
18 [http://www.bloomberg.com/news/2014-09-08/raimondo-pension-overhaul-challenges-labor-in-](http://www.bloomberg.com/news/2014-09-08/raimondo-pension-overhaul-challenges-labor-in-rhode-island-race.html)  
19 [rhode-island-race.html](http://www.bloomberg.com/news/2014-09-08/raimondo-pension-overhaul-challenges-labor-in-rhode-island-race.html), This document is relevant for reasons delineated in the Reply.

20 **Authority for RJN 5:**

21 *See* Authority for RJN 4.

22 **Request for Judicial Notice ("RJN") 6:**

23 Exhibit 6 is a true and correct copy of a City Journal online column by Steven  
24 Greenhut. The copy was obtained on September 18, 2014 from the City Journal public website at  
25 the following location: <http://www.city-journal.org/2014/cjc0825sg.html>. The document is  
26 relevant for the reasons delineated in the Reply.

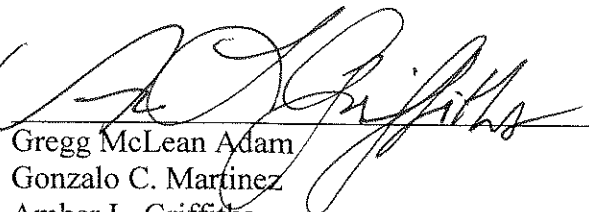
1                   **Authority for RJN 6:**

2                   *See* Authority for RJN 4.

3  
4  
5  
6 Dated: September 18, 2014

CARROLL, BURDICK & McDONOUGH LLP

7  
8  
9 By

  
Gregg McLean Adam

Gonzalo C. Martinez

Amber L. Griffiths

Attorneys for Plaintiff and Cross-Defendant  
San Jose Police Officers' Association

10  
11  
12  
13                   **DECLARATION OF AMBER GRIFFITHS IN SUPPORT OF REQUEST FOR JUDICIAL NOTICE**

14                   I, Amber L. Griffiths, declare as follows:

15                   1. I am an Associate at the law offices of Carroll Burdick & McDonough LLP  
16 ("CBM"), attorneys for Plaintiff San Jose Police Officers' Association ("SJPOA"). By virtue of  
17 that representation, I have personal knowledge of the facts set forth herein and if called as a  
18 witness I could and would testify competently as to them. I make this declaration in support of  
19 SJPOA's Request for Judicial Notice in Support of Reply Supporting Motion for Attorneys' Fees.

20                   2. I incorporate into this declaration the statements in the Request for Judicial  
21 Notice and have attached hereto true and correct copies of the above-referenced statements.

22  
23                   I declare under the penalty of perjury under the laws of the State of California that  
24 the foregoing is true and correct, and that this declaration was executed on September 18, 2014 at  
25 San Francisco, California.

26  
27  
28                     
Amber L. Griffiths

# **EXHIBIT 1**

**For Immediate Release:**

December 23, 2013

**Contact:**

Michelle McGurk, (408) 535-4840 or (408) 655-7332

David Low, (408) 535-4857 or (408) 499-8328

**Statement from Mayor Chuck Reed regarding Judge Lucas'  
Tentative Decision in the Measure B Lawsuit**

*San Jose, Calif.* – This morning, the Honorable Patricia M. Lucas issued a tentative decision in the lawsuit over Measure B, the San Jose pension reforms approved with nearly 70% of the vote in 2012. The decision is available at: <http://www.sanjoseca.gov/DocumentCenter/View/25332>. Judge Lucas has upheld 10 out of 15 sections of Measure B, including:

- Elimination of the Supplemental Retiree Benefit Reserve (“the 13<sup>th</sup> bonus check”).
- Provisions related to the City’s retiree healthcare benefits.
- Employee compensation reductions to help cover the retirement plans’ unfunded liabilities (*note: the Court ruled such changes could be made via wage reductions, but not via increased employee pension contributions*).
- Reforms to the definition and administration of disability retirement benefits.
- Reservation of Voter Authority over any pension plan changes.

Judge Lucas also upheld the severability provisions of the measure, meaning the valid provisions may go into effect. The City has entered into a stipulated agreement with its unions to delay the employee compensation reductions until at least July 1, 2014.

Following is a Statement from Mayor Chuck Reed:

“I am pleased that Judge Lucas has upheld a majority of the Measure B provisions and has protected a vast majority of the targeted fiscal savings that will help rebuild essential public services and protect the long-term sustainability of our employee retirement systems.

“In particular, this ruling protects \$20 million in annual savings the City is already reaping due to the elimination of bonus pension checks and changes to our retiree healthcare plans. Those savings have allowed us to slowly begin restoring services to the public and slowly begin restoring pay to our employees.”

“Unfortunately, the Judge’s decision to invalidate certain portions of Measure B also highlights the fact that current California law provides cities, counties and other government agencies with very little flexibility in controlling their retirement costs. That’s why I believe that we need a constitutional amendment that will empower government leaders to tackle their massive pension problems and negotiate fair and reasonable changes to employees’ future pension benefits.”

The City will be carefully reviewing the tentative ruling in the coming days. The decision will become final if neither party submits an objection within 15 days.

# # #

# **EXHIBIT 2**



SANTA CLARA COUNTY REGISTRAR OF VOTERS | [HOME](#)

Time: 9:49:31 AM

Date: Thursday, Septem

JUNE 5  
2012**PRESIDENTIAL PRIMARY  
ELECTION**  
**Official Final Results**Election Results are  
certified. Statement of  
Vote and Write-In Results  
are available for  
download:  
<http://t.co/Tz8SlqXE>[PAST ELECTION RESULTS](#)[REFRESH](#)[SCCGOV PORTAL](#)

Completed Precincts

**Last Updated : 07/3/12 03:58 PM**

Registration & Turnout

Nonpartisan Registration  
& Turnout

Democratic Registration  
& Turnout

Democratic Nonpartisan  
Registration & Turnout

Republican Registration  
& Turnout

American Independent  
Registration & Turnout

Green Registration &  
Turnout

Libertarian Registration  
& Turnout

Peace and Freedom  
Registration & Turnout

DEM - Presidential  
Preference-Democratic

DEM - COUNTY  
CENTRAL COMMITTEE  
24th - DEM

DEM - COUNTY  
CENTRAL COMMITTEE  
25th - DEM

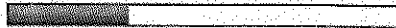
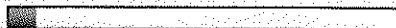
DEM - COUNTY  
CENTRAL COMMITTEE  
27th - DEM

DEM - COUNTY  
CENTRAL COMMITTEE  
28th - DEM


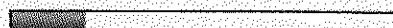
REP - PRESIDENTIAL  
PREFERENCE-REP

REP - COUNTY CENTRAL  
COMMITTEE 1st Sup REP


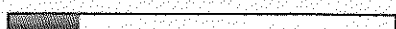
**Registration & Turnout**Completed Precincts 874 of 874Total Registration 755,117

		<u>Percent</u>	<u>Votes</u>
VBM Reporting Turnout		31.41%	237,195
PCT Reporting Turnout		7.35%	55,518
		<b>38.76%</b>	<b>292,713</b>

[↑ Back To Top](#)**Nonpartisan Registration & Turnout**Completed Precincts 874 of 874

		<u>Percent</u>	<u>Votes</u>
VBM Reporting Turnout		80.78%	39,306
PCT Reporting Turnout		19.22%	9,353

[↑ Back To Top](#)**Democratic Registration & Turnout**Completed Precincts 874 of 874

		<u>Percent</u>	<u>Votes</u>
VBM Reporting Turnout		81.09%	114,974
PCT Reporting Turnout		18.91%	26,810

[↑ Back To Top](#)**Democratic Nonpartisan Registration & Turnout**Completed Precincts 874 of 874Percent Votes

REP - COUNTY CENTRAL  
COMMITTEE 3rd Sup  
REP

REP - COUNTY CENTRAL  
COMMITTEE 4th Sup  
REP

REP - COUNTY CENTRAL  
COMMITTEE 5th Sup  
REP

AI - Presidential  
Preference-American  
Independent

GRN - Presidential  
Preference-Green

LIB - Presidential  
Preference-Libertarian

PF - Presidential  
Preference-Peace and  
Freedom

PF - Peace and Freedom  
Central Committee

U.S. SENATOR

CONGRESS DISTRICT 17

CONGRESS DISTRICT 18

CONGRESS DISTRICT 19

CONGRESS DISTRICT 20

STATE SENATOR  
DISTRICT 13

STATE SENATOR  
DISTRICT 15

STATE SENATOR  
DISTRICT 17

STATE ASSEMBLY  
DISTRICT 24

STATE ASSEMBLY  
DISTRICT 25

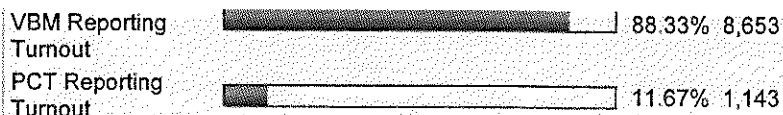
STATE ASSEMBLY  
DISTRICT 27

STATE ASSEMBLY  
DISTRICT 28

STATE ASSEMBLY  
DISTRICT 29

STATE ASSEMBLY  
DISTRICT 30

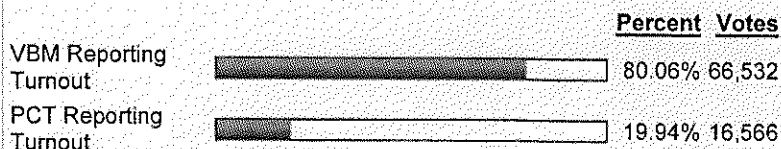
Superior Court Office No.  
5



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#### Republican Registration & Turnout

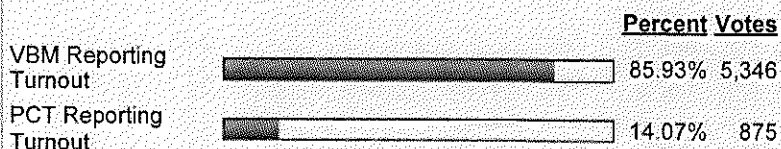
Completed Precincts 874 of 874



[↑ Back To Top](#)

#### American Independent Registration & Turnout

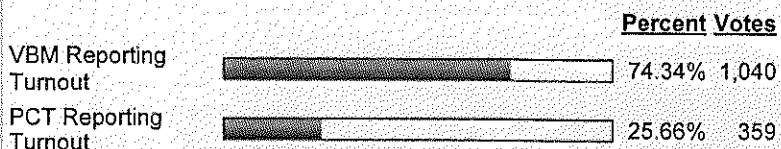
Completed Precincts 874 of 874



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#### Green Registration & Turnout

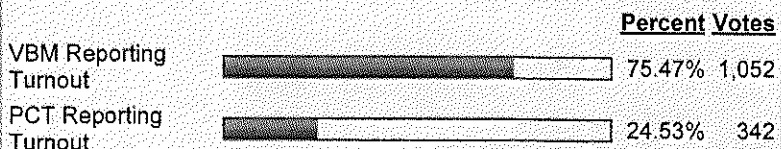
Completed Precincts 874 of 874



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#### Libertarian Registration & Turnout

Completed Precincts 874 of 874



[↑ Back To Top](#)

#### Peace and Freedom Registration & Turnout

Completed Precincts 874 of 874

Superior Court Office No.  
7

Mbr Brd Sups Dist 2

Mbr Brd Sups Dist 3

Mbr Brd Sups Dist 5

CITY OF SAN JOSE City  
Council, Dist 2

CITY OF SAN JOSE City  
Council, Dist 4

CITY OF SAN JOSE City  
Council, Dist 6

CITY OF SAN JOSE City  
Council, Dist 8

CITY OF SAN JOSE City  
Council, Dist 10

PROPOSITION 28 - Term  
Limits

PROPOSITION 29 -  
Cigarette Tax

MEASURE A - County of  
Santa Clara, County Jails

MEASURE B - City of San  
Jose Pension  
Modification

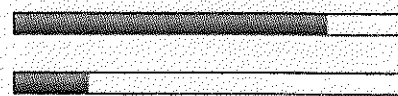
MEASURE C - West  
Valley-Mission CCD  
Bonds

MEASURE E - Milpitas  
Unified SD Bonds

MEASURE G - Mtn. View-  
Whisman SD Bonds

MEASURE H - Cupertino  
Union SD Bonds

VBM Reporting  
Turnout  
PCT Reporting  
Turnout



**Percent Votes**

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#### DEM - Presidential Preference-Democratic

Completed Precincts 874 of 874

BARACK  
OBAMA



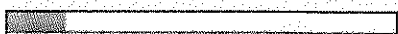
**Percent Votes**

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#### DEM - COUNTY CENTRAL COMMITTEE 24th - DEM

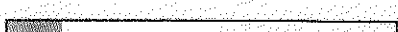
Completed Precincts 158 of 158

DIANE H. ROLFE



**Percent Votes**

ALYSON L.  
ABRAMOWITZ



14.57% 12,728

JIM THURBER



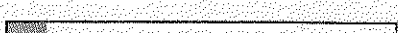
10.96% 9,572

BILL JAMES



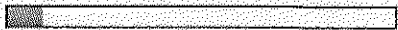
10.90% 9,523

MARCENE VAN  
DIERENDONCK



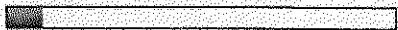
10.65% 9,307

GILBERT WONG



9.92% 8,663

PETER Y. CHIU



9.45% 8,257

PHIL OLMSTEAD



9.13% 7,978

BRANDON L.  
SULSER



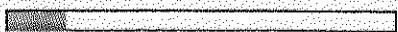
8.86% 7,743

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#### DEM - COUNTY CENTRAL COMMITTEE 25th - DEM

Completed Precincts 146 of 146

ANNA E. SONG



**Percent Votes**

DAVID COHEN



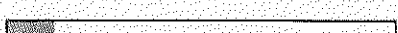
12.90% 8,931

ANTHONY  
(TONY)  
ALEXANDER



12.73% 8,811

CHRIS  
STAMPOLIS



12.01% 8,313

ALDYTH PARLE



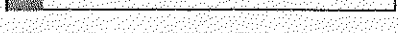
10.07% 6,975

CRAIG



9.95% 6,892

DUNKERLEY



9.90% 6,853

BILL FERGUSON



9.85% 6,821

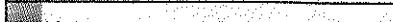
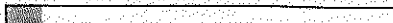



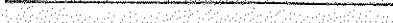





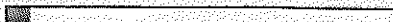
DEEPA  
LALWANI

ROB MEANS  7.29% 5,048

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#### DEM - COUNTY CENTRAL COMMITTEE 27th - DEM

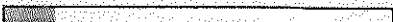
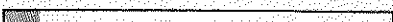




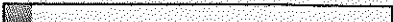

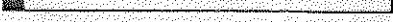
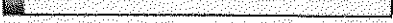

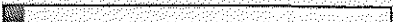

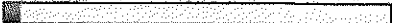
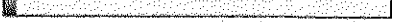
Completed Precincts 184 of 184


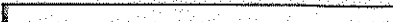
		<b>Percent</b>	<b>Votes</b>
ANDRES QUINTERO		9.56%	9,854
DARCIE GREEN		9.53%	9,825
JAVIER GONZALEZ		9.52%	9,815
ASH KALRA		9.39%	9,674
STEVE PREMINGER		8.94%	9,209
OMAR TORRES		8.45%	8,712
CAROL GARVEY		8.18%	8,429
CLAUDIA SHOPE		7.86%	8,104
TOM COCHRAN		7.50%	7,734
EMILIE G. GATFIELD		7.43%	7,655
DAVID PARKER		7.10%	7,319
JESUS GOMEZ		6.54%	6,736

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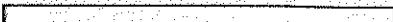
#### DEM - COUNTY CENTRAL COMMITTEE 28th - DEM

Completed Precincts 261 of 261


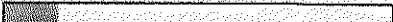

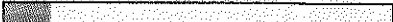
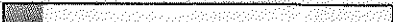
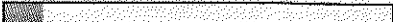
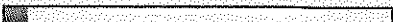
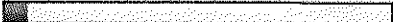
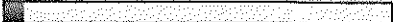
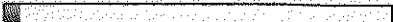
		<b>Percent</b>	<b>Votes</b>
KEN YEAGER		13.24%	18,539
PIERLUIGI OLIVERIO		9.03%	12,653
EVAN LOW		8.26%	11,565
PHYLLIS A. WARD		7.72%	10,810
RICHARD WATERMAN		7.38%	10,334
HOPE CAHAN		7.13%	9,989
BILL ROTH		6.36%	8,906
MONICA TONG		5.71%	7,994
JORDAN DANIEL ELDRIDGE		5.51%	7,716
DRINA COLLINS		5.18%	7,258
HERB ENGSTROM		5.10%	7,146
PETER J. ALLEN		4.86%	6,801
JILL CHESLER		4.46%	6,240
JASON BAKER		3.60%	5,048
NOELANI SALLINGS		2.53%	3,544

SHAIAN		2.04%	2,857
MOHAMMADI			
ERIC T. CRANE		1.90%	2,664

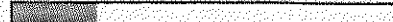
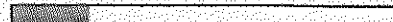
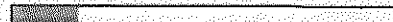
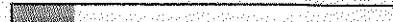
[↑ Back To Top](#)**REP - PRESIDENTIAL PREFERENCE-REP**Completed Precincts 874 of 874


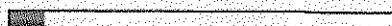
		<b>Percent</b>	<b>Votes</b>
MITT ROMNEY		73.37%	55,629
RON PAUL		14.22%	10,779
RICK SANTORUM		6.27%	4,756
NEWT GINGRICH		4.23%	3,211
CHARLES E. "BUDDY" ROEMER, III		1.09%	826
FRED KARGER		0.82%	620

[↑ Back To Top](#)**REP - COUNTY CENTRAL COMMITTEE 1st Sup REP**Completed Precincts 222 of 222

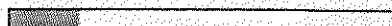


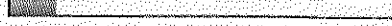

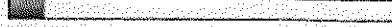
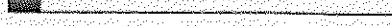
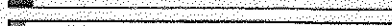

		<b>Percent</b>	<b>Votes</b>
JOHN CUNNINGHAM		15.92%	12,670
JIM DIVITTORIO		14.35%	11,420
HELEN WANG		12.70%	10,108
MATT MCDONALD		12.04%	9,584
LISA MARSHIK		10.94%	8,708
GAIL DESMET		10.83%	8,620
DEBRA JANSSEN- MARTINEZ		6.46%	5,143
KERRI DUNLAY		6.14%	4,888
NORMAN R. NEDDE		5.92%	4,708
FRED VELA		4.68%	3,721

[↑ Back To Top](#)**REP - COUNTY CENTRAL COMMITTEE 3rd Sup REP**Completed Precincts 181 of 181

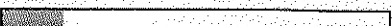

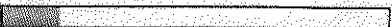
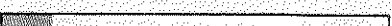



		<b>Percent</b>	<b>Votes</b>
PAT WAITE		22.46%	7,181
ROBERT "BOB" NUNEZ		20.03%	6,405
DAVID MAC		18.00%	5,755
ED RIFFLE		16.46%	5,262

ROGER F. LASSON		13.44% 4,299
TY GREAVES		9.62% 3,075


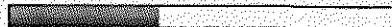

[Back To Top](#)**REP - COUNTY CENTRAL COMMITTEE 4th Sup REP**Completed Precincts 163 of 163

		<b>Percent</b>	<b>Votes</b>
PETE CONSTANT		18.84%	9,578
ERIC SHOOTER HICKOK		14.61%	7,426
ROBERT VARICH		12.88%	6,546
PHIL REYNOLDS, JR.		12.84%	6,527
JERAD FERGUSON		12.28%	6,244
CHRIS MAYS		10.00%	5,081
KIRSTEN WILLIAMS		8.26%	4,200
PETER S. SOULE		6.21%	3,158
PARIA F. AMINI		4.07%	2,067


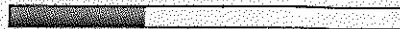

[Back To Top](#)**REP - COUNTY CENTRAL COMMITTEE 5th Sup REP**Completed Precincts 190 of 190

		<b>Percent</b>	<b>Votes</b>
CHUCK PAGE		16.64%	11,140
JAYNE HAM		15.38%	10,292
D. JOANN BARR		15.28%	10,229
LUIS BUHLER		15.15%	10,143
CHARLES THOMAS MUNGER, JR.		13.88%	9,291
ROGER RIFFENBURGH		13.74%	9,194
DEBORAH KERWIN-PECK		9.92%	6,642


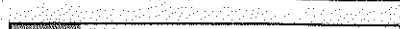
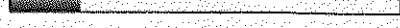


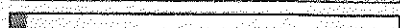
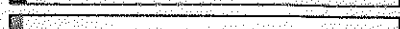
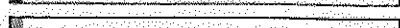
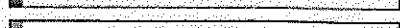
[Back To Top](#)**AI - Presidential Preference-American Independent**Completed Precincts 874 of 874

		<b>Percent</b>	<b>Votes</b>
LAURIE ROTH		40.52%	1,034
EDWARD C. NOONAN		39.15%	999
MAD MAX RIEKSE		20.34%	519



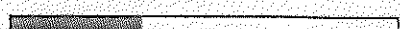
[↑ Back To Top](#)**GRN - Presidential Preference-Green**Completed Precincts 874 of 874

		<b>Percent</b>	<b>Votes</b>
JILL STEIN		53.08%	500
ROSEANNE BARR		35.77%	337
KENT MESPLAY		11.15%	105


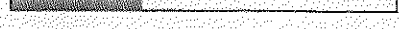


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		<b>Percent</b>	<b>Votes</b>
GARY JOHNSON		53.48%	469
BARBARA JOY WAYMIRE		18.70%	164
SCOTT KELLER		6.04%	53
BILL STILL		4.56%	40
CARL PERSON		4.45%	39
R. J. HARRIS		3.65%	32
ROGER GARY		3.53%	31
LEE WRIGHTS		3.31%	29
JAMES OGLE		2.28%	20

[↑ Back To Top](#)**PF - Presidential Preference-Peace and Freedom**Completed Precincts 874 of 874

		<b>Percent</b>	<b>Votes</b>
ROSS C. "ROCKY" ANDERSON		40.00%	82
STEWART ALEXANDER		34.63%	71
STEPHEN DURHAM		25.37%	52


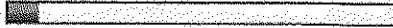




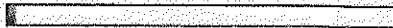

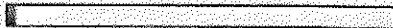

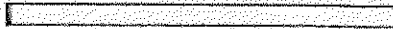



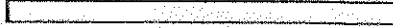




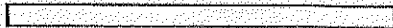




[↑ Back To Top](#)**PF - Peace and Freedom Central Committee**Completed Precincts 874 of 874

		<b>Percent</b>	<b>Votes</b>
SUSAN MUYSENBERG		34.50%	178
STEVEN PATT		23.84%	123
JON BRITTON		20.93%	108
DAVE KADLECEK		20.74%	107



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Completed Precincts 874 of 874

		<b>Percent</b>	<b>Votes</b>
DIANNE FEINSTEIN		59.81%	155,639
ELIZABETH EMKEN		8.80%	22,896
DAN HUGHES		3.90%	10,148
RICK WILLIAMS		2.45%	6,376
DAVID ALEX LEVITT		2.36%	6,145
ORLY TAITZ		2.36%	6,142
MIKE STRIMLING		2.34%	6,081
GAIL K. LIGHTFOOT		2.28%	5,930
DIANE STEWART		2.02%	5,248
DENNIS JACKSON		1.99%	5,178
GREG CONLON		1.84%	4,793
AL RAMIREZ		1.48%	3,843
ROBERT LAUTEN		1.46%	3,799
MARSHA FEINLAND		1.08%	2,804
COLLEEN SHEA FERNALD		0.93%	2,423
DON J. GRUNDMANN		0.87%	2,264
NAK SHAH		0.73%	1,912
OSCAR ALEJANDRO BRAUN		0.63%	1,634
ROGELIO T. GLORIA		0.62%	1,610
DONALD KRAMPE		0.54%	1,398
DIRK ALLEN KONOPIK		0.49%	1,277
KABIRUDDIN KARIM ALI		0.46%	1,208
NACHUM SHIFREN		0.32%	840
JOHN BORUFF		0.25%	653



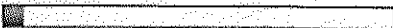

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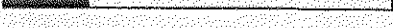



		<b>Percent</b>	<b>Votes</b>
MIKE HONDA		67.48%	48,116
EVELYN LI		26.87%	19,164
CHARLES RICHARDSON		5.65%	4,028


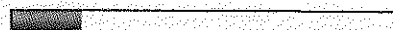
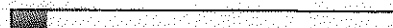
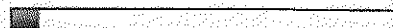



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		<b>Percent</b>	<b>Votes</b>
ANNA G. ESHOO		59.78%	60,899
DAVE CHAPMAN		30.75%	31,320
WILLIAM PARKS		5.23%	5,324
CAROL BROUILLET		4.24%	4,322

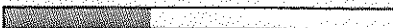
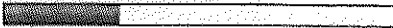
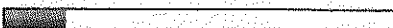

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		<b>Percent</b>	<b>Votes</b>
ZOE LOFGREN		65.18%	60,726
ROBERT MURRAY		22.99%	21,421
PHAT NGUYEN		7.72%	7,192
JAY BLAS JACOB CABRERA		4.11%	3,829



[↑ Back To Top](#)**CONGRESS DISTRICT 20**Completed Precincts 8 of 8

		<b>Percent</b>	<b>Votes</b>
SAM FARR		57.87%	662
JEFF TAYLOR		18.97%	217
ART DUNN		9.27%	106
MIKE LEBARRE		7.52%	86
ERIC PETERSEN		2.97%	34
RONALD PAUL KABAT		2.01%	23
DAN CAUDLE		1.40%	16


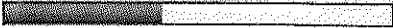
[↑ Back To Top](#)**STATE SENATOR DISTRICT 13**Completed Precincts 158 of 158

		<b>Percent</b>	<b>Votes</b>
JERRY HILL		38.04%	20,408
SALLY J. LIEBER		30.45%	16,332
JOHN H. WEBSTER		16.96%	9,100
CHRISTOPHER KENT CHIANG		14.55%	7,803





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		<b>Percent</b>	<b>Votes</b>
JIM BEALL		55.54%	69,179
JOE COTO		44.46%	55,387

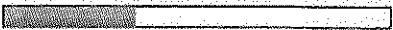

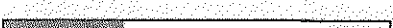
[↑ Back To Top](#)**STATE SENATOR DISTRICT 17**Completed Precincts 119 of 119

		<b>Percent</b>	<b>Votes</b>
BILL MONNING		58.68%	16,171
LARRY BEAMAN		41.32%	11,387

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		<b>Percent</b>	<b>Votes</b>
RICHARD S. GORDON		55.27%	29,751
CHENGZHI "GEORGE" YANG		29.04%	15,631
GEBY E. ESPINOSA		11.11%	5,980
JOSEPH ANTONELLI ROSAS		4.57%	2,462

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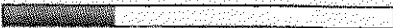
		<b>Percent</b>	<b>Votes</b>
BOB WIECKOWSKI		34.56%	13,003
PETE "PRIMO" MCHUGH		34.33%	12,915
		31.11%	11,704

ARLYNE  
DIAMOND

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#### STATE ASSEMBLY DISTRICT 27


Completed Precincts 184 of 184

		<u>Percent</u>	<u>Votes</u>
NORA CAMPOS		70.62%	34,217
ROGER F. LASSON		29.38%	14,238

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#### STATE ASSEMBLY DISTRICT 28




Completed Precincts 261 of 261

		<u>Percent</u>	<u>Votes</u>
PAUL FONG		54.26%	43,965
CHAD WALSH		45.74%	37,060

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#### STATE ASSEMBLY DISTRICT 29



Completed Precincts 63 of 63

		<u>Percent</u>	<u>Votes</u>
MARK STONE		44.52%	7,196
TOM WALSH		39.87%	6,443
BOB FULTZ		15.61%	2,523

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#### STATE ASSEMBLY DISTRICT 30




Completed Precincts 62 of 62

		<u>Percent</u>	<u>Votes</u>
LUIS ALEJO		52.80%	7,548
ROB BERNOSKY		47.20%	6,748

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#### Superior Court Office No. 5

Completed Precincts 874 of 874


		<u>Percent</u>	<u>Votes</u>
PAUL COLIN		55.07%	124,808
CHRIS COBEY		28.50%	64,589
ALEXIS CERUL		16.44%	37,253

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**Superior Court Office No. 7**Completed Precincts 874 of 874

		<b>Percent</b>	<b>Votes</b>
CYNTHIA A. SEVELY		74.37%	168,304
STEVEN R. POGUE		25.63%	57,998




[↑ Back To Top](#)**Mbr Brd Sups Dist 2**Completed Precincts 118 of 118

		<b>Percent</b>	<b>Votes</b>
GEORGE SHIRAKAWA		100.00%	24,950



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		<b>Percent</b>	<b>Votes</b>
DAVE CORTESE		100.00%	40,360


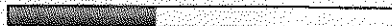

[↑ Back To Top](#)**Mbr Brd Sups Dist 5**Completed Precincts 190 of 190

		<b>Percent</b>	<b>Votes</b>
JOE SIMITIAN		58.27%	39,131
KRIS HUYILAN WANG		22.88%	15,367
BARRY CHANG		18.84%	12,654



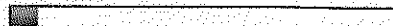
[↑ Back To Top](#)**CITY OF SAN JOSE City Council, Dist 2**Completed Precincts 41 of 41

		<b>Percent</b>	<b>Votes</b>
ASH KALRA		53.03%	6,671
TIM MURPHY		46.97%	5,909




[↑ Back To Top](#)**CITY OF SAN JOSE City Council, Dist 4**Completed Precincts 40 of 40**Percent Votes**

KANSEN CHU		54.48%	7,089
TAM TRUONG		38.23%	4,975
RAFAEL SABIC		7.29%	948

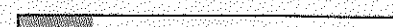



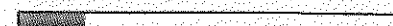

[Back To Top](#)**CITY OF SAN JOSE City Council, Dist 6**Completed Precincts 50 of 50

		<b>Percent</b>	<b>Votes</b>
PIERLUIGI OLIVERIO		67.78%	11,209
STEVE KLINE		25.08%	4,148
BILL CHEW		7.14%	1,180



[Back To Top](#)**CITY OF SAN JOSE City Council, Dist 8**Completed Precincts 47 of 47

		<b>Percent</b>	<b>Votes</b>
ROSE HERRERA		47.87%	7,242
JIMMY NGUYEN		28.27%	4,278
PATRICIA MARTINEZ-ROACH		23.86%	3,610

[Back To Top](#)**CITY OF SAN JOSE City Council, Dist 10**Completed Precincts 47 of 47

		<b>Percent</b>	<b>Votes</b>
JOHNNY KHAMIS		19.71%	3,483
ROBERT BRAUNSTEIN		19.70%	3,482
EDESA BITBADAL		19.19%	3,392
LESLIE REYNOLDS		17.96%	3,174
BRIAN O'NEILL		12.18%	2,152
DENELLE FEDOR		11.26%	1,990



[Back To Top](#)**PROPOSITION 28 - Term Limits**Completed Precincts 874 of 874

		<b>Percent</b>	<b>Votes</b>
YES		66.78%	185,097
NO		33.22%	92,089

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**PROPOSITION 29 - Cigarette Tax**

Completed Precincts 874 of 874

		<b>Percent</b>	<b>Votes</b>
YES		65.58%	187,064
NO		34.42%	98,181


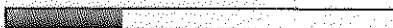
[↑ Back To Top](#)**MEASURE A - County of Santa Clara, County Jails**

Completed Precincts 874 of 874

		<b>Percent</b>	<b>Votes</b>
YES		77.59%	199,301
NO		22.41%	57,566


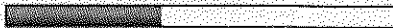
[↑ Back To Top](#)**MEASURE B - City of San Jose Pension Modification**

Completed Precincts 415 of 415

		<b>Percent</b>	<b>Votes</b>
YES		69.02%	95,716
NO		30.98%	42,964


[↑ Back To Top](#)**MEASURE C - West Valley-Mission CCD Bonds**

Completed Precincts 217 of 217

		<b>Percent</b>	<b>Votes</b>
BONDS YES		59.89%	41,679
BONDS NO		40.11%	27,916


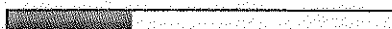
[↑ Back To Top](#)**MEASURE E - Milpitas Unified SD Bonds**

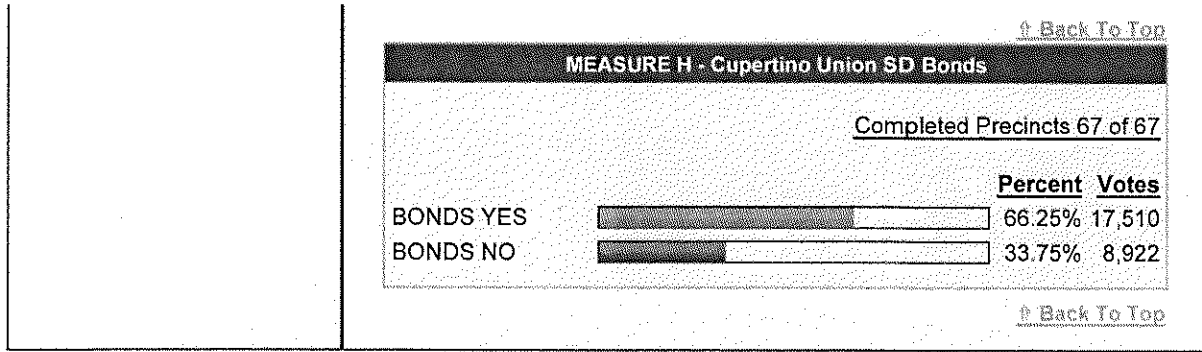
Completed Precincts 28 of 28

		<b>Percent</b>	<b>Votes</b>
BONDS YES		64.05%	5,412
BONDS NO		35.95%	3,037

[↑ Back To Top](#)**MEASURE G - Mtn. View-Whisman SD Bonds**

Completed Precincts 28 of 28

		<b>Percent</b>	<b>Votes</b>
BONDS YES		67.58%	7,341
BONDS NO		32.42%	3,522



# **EXHIBIT 3**



## ELECTIONS CODE

### SECTION 9255-9269

9255. (a) A charter or charter amendment proposed by a charter commission, whether elected or appointed by a governing body, for a city or city and county shall be submitted to the voters at an established statewide general election pursuant to Section 1200, provided there are at least 95 days before the election. A charter commission may also submit a charter pursuant to Section 34455 of the Government Code.

(b) Except as provided in paragraph (2) of subdivision (a) of Section 1415, the following city or city and county charter proposals shall be submitted to the voters at an established statewide general election pursuant to Section 1200, provided there are at least 88 days before the election:

(1) A proposal to adopt a charter, or an amendment or repeal of a charter, proposed by the governing body of a city or a city and county on its own motion.

(2) A recodification of the charter proposed by the governing body on its own motion, provided that the recodification does not, in any manner, substantially change the provisions of the charter.

(c) The following city or city and county charter proposals shall be submitted to the voters at an established statewide general, statewide primary, or regularly scheduled municipal election pursuant to Section 1200, 1201, or 1301 occurring not less than 88 days after the date of the order of election:

(1) An amendment or repeal of a city charter proposed by a petition signed by 15 percent of the registered voters of the city.

(2) An amendment or repeal of a city and county charter proposed by a petition signed by 10 percent of the registered voters of the city and county.

(d) Charter proposals by the governing body and charter proposals by petition of the voters may be submitted at the same election.

(e) The total number of registered voters of the city or city and county shall be determined according to the county elections official's last official report of registration to the Secretary of State that was effective at the time the notice required pursuant to Section 9256 was given.

9256. The proponents of a measure proposing to amend a charter shall publish or post, or both, a notice of intent to circulate the petition in the same form and manner as prescribed in Sections 9202, 9203, 9204, and 9205. The proponents shall also file an affidavit prescribed in Section 9206 with the clerk of the legislative body of the city, and, with respect to the petition, shall be subject to Section 9207.

9257. The petition signed by registered voters of the city or city and county proposing an amendment to a charter shall set forth in full the text of the proposed amendment, in no less than 10-point type.

9258. The petition may be circulated in sections, but each section shall contain a correct copy of the text of the proposed amendment.

9259. Each signer of the petition shall sign it in the manner prescribed by Section 9020.

9260. The petition shall be in substantially the following form:

Petition for Submission to Voters of Proposed Amendment to the  
Charter of \_\_\_\_\_ the City (or City and County) of \_\_\_\_\_

To the city council (or other legislative body) of the City (or City and County) of \_\_\_\_\_:

We, the undersigned, registered and qualified voters of the State of California, residents of the City (or City and County) of \_\_\_\_\_, pursuant to Section 3 of Article XI of the California Constitution and Chapter 2 (commencing with Section 34450) of Part 1 of Division 2 of Title 4 of the Government Code, present to the city council (or other legislative body) of the city (or city and county) this petition and request that the following proposed amendment to the charter of the city (or city and county) be submitted to the registered and qualified voters of the city (or city and county) for their adoption or rejection at the next statewide general, statewide primary, or regularly scheduled municipal election pursuant to Section 1200, 1201, or 1301.

The proposed charter amendment reads as follows:

First. (setting forth the text of the amendment) \_\_\_\_\_ (etc.).

Signature	Printed Name	Residence	Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

9261. Each section shall have attached thereto the affidavit of the person soliciting the signatures. This affidavit shall be substantially in the same form as set forth in Section 9022 and shall comply with Sections 104 and 9209.

9262. Each petition section shall consist of sheets of white paper, uniform in size, with dimensions no smaller than 8 1/2 by 11 inches or greater than 8 1/2 by 14 inches.

9263. The sheets comprising each petition section shall be fastened together securely and remain so during circulation and filing.

9264. A voter may withdraw his or her signature from a petition in the manner prescribed in Section 9602.

9265. The petition shall be filed with the elections official by the proponents, or by any person or persons authorized in writing by the proponents. All sections of the petition shall be filed at one time, and a petition section submitted subsequently may not be accepted by the elections official. The petition shall be filed (1) within 180 days from the date of receipt of the title and summary, or (2) after termination of any action for a writ of mandate pursuant to Section 9204, and, if applicable, receipt of an amended title or summary, or both, whichever comes later.

9266. After the petition has been filed, the elections official shall examine the petition in the same manner as are county petitions in accordance with Sections 9114 and 9115, except that, for the purposes of this section, references in those sections to the board of supervisors shall be treated as references to the legislative body of the city or city and county. The expenses of signature verification shall be provided by the governing body receiving the petition from the elections official.

9267. Petitions that do not substantially conform to the form requirements of this article shall not be accepted for filing by the elections official.

9268. The conduct of election and publication requirements shall substantially conform with Part 1 (commencing with Section 10000) and Part 2 (commencing with Section 10100) of Division 10.

9269. Upon the completion of the canvass of votes, the governing body of a city or city and county shall pass a resolution reciting the fact of the election and such other matters as are enumerated in Section 10264. The elections official of the city or city and county shall then cause the adopted measures to be submitted to the Secretary of State pursuant to Sections 34459 and 34460 of the Government Code.

# **EXHIBIT 4**

**The New York Times**

June 6, 2012

## **San Diego and San Jose Lead Way in Pension Cuts**

By **MICHAEL COOPER** and **MARY WILLIAMS WALSH**

While the eyes of the nation focused on Wisconsin, where Gov. Scott Walker brushed back a recall attempt by critics of his move to strip most public-sector unions of their collective bargaining rights, a pair of less noticed local elections Tuesday in California could have more immediate ramifications for struggling state and local governments and for organized labor.

Residents of San Diego and San Jose voted overwhelmingly to cut the pension benefits they give city workers. And they did so in a way governments traditionally avoid: moving to cut not just the benefits of future hires, but also those of current city workers, whose pensions generally have much stronger legal protections than those of private-sector workers.

Unions in both cities vowed to block the cuts in court, but the ease with which the measures passed is expected to embolden other financially strained cities and states to follow their lead.

It is not just Republicans seeking savings. Mayor Rahm Emanuel of Chicago, a Democrat, has been seeking to suspend the annual automatic cost-of-living adjustments for retirees.

In Illinois, which has the nation's largest unfunded pension liability, Gov. Pat Quinn, a Democrat, has been struggling to reach a deal with lawmakers that would cut the pensions of current workers without running afoul of the pension protections in the state's Constitution. And in Providence, R.I., unions are being asked to ratify a tentative deal their leaders made last month with Mayor Angel Taveras that would suspend the cost-of-living adjustments for retired city workers.

"I would say that the San Jose vote is a harbinger of things to come," said Alicia H. Munnell, director of the Center for Retirement Research at Boston College, who was on President Bill Clinton's Council of Economic Advisers. She said governments need more flexibility to solve their pension funding problems.

The wide margins of passage for the pension-cutting measures — San Diego's with two-thirds of the vote, and San Jose's with 70 percent — underscored the extent to which both

cities have struggled to pay for basic services. At one point San Diego — burdened with high pension costs for years after its pension disclosures ran afoul of the Securities and Exchange Commission and the city lost access to the public bond markets — kept a rotating group of firehouses closed each day to save money.

San Jose could not afford to open four new libraries it had built, and laid off police officers. And some voters grew resentful of the benefits given government workers — police officers and firefighters in San Jose could retire after 30 years with pensions worth 90 percent of their salaries — while private-sector pensions were growing rarer.

Many states and municipalities are struggling with rising pension costs. In many cases benefits were set when the stock market was booming and investments seemed to deliver nothing but gains. It was widely assumed at the time that investment returns would cover most of the cost of people's pensions.

Now, though, the expected investment gains have fallen far short, and municipalities everywhere must make up the missing money, sometimes by raising taxes, sometimes by cutting government services. Laws and court precedents in many states have long been interpreted as saying that public workers' pensions cannot be reduced. The new pension cuts passed in San Jose and San Diego may test that.

The union representing San Jose police officers filed a lawsuit in Superior Court on Wednesday seeking to block the cuts, arguing that they are illegal under California law and that they violated the vested rights their members have to their pensions. "I think there's a clear sense by the taxpayers that they want costs down, but it's a question of how you do that," Jim Unland, the president of the union, the San Jose Police Officers' Association, said in an interview, adding that he would have preferred a negotiated agreement to cut costs.

But city officials said they expected to prevail in court, and filed their own motion in federal court seeking a declaration that the measure is constitutional. The measure gives city workers an option: They can keep their current pension, as long as they agree to contribute more of their salaries — up to 16 percent — to the pension fund, or they can enter a less generous pension plan with a higher retirement age, benefits that accrue more slowly and smaller cost-of-living adjustments. Future hires would be put into a plan that costs even less, and would be required to contribute up to half of its cost.

Mayor Chuck Reed of San Jose, a Democrat, said the pension cuts were needed to restore police positions that were eliminated and to reopen firehouses that were closed on certain days, and so the city could afford to open the four closed libraries. He added that the changes were needed to make sure there would be enough money to pay retirees their benefits, so

they did not end up like the retirees of Central Falls, R.I., whose benefits were cut when the city went bankrupt.

He said he expected other cities to follow San Jose's lead. "I think it's clear that if you present the facts to the voters, they're going to be there in support of pension reform," Mr. Reed said.

Gov. Jerry Brown of California, a Democrat who has been pushing his own measures to reduce pension costs, said the vote in San Jose sent "a very powerful signal that pension reform is imperative," The San Francisco Chronicle reported.

Some public sector union officials, reeling from their losses in the Wisconsin vote and the pension measures in San Diego and San Jose, said they needed to do more to educate the public about pensions and the nature of deferred compensation. They worried that some public workers would retire without enough money to support themselves.

Some saw a pattern. "It isn't lost on us that the one commonality in Wisconsin, San Diego and San Jose is that we were considerably outspent," said Steven Kreisberg, the director of collective bargaining at the American Federation of State, County and Municipal Employees in Washington. "You have politicians conspiring with corporations to take away pensions from workers."

San Diego's plan would require future hires to enroll in a defined-contribution plan, similar to a 401(k) plan. In the future, public employees will be responsible for investing their own retirement money, and if their investments fail, the city's taxpayers will not have to step in. The city's current workers will see a freeze in the amount of their pay that will be used to calculate pension benefits, which the city estimates will save it \$1 billion over the next 30 years — savings that unions say are overstated but that some critics say will not go far enough.

*Ian Lovett contributed reporting.*

# **EXHIBIT 5**



# Bloomberg

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## Raimondo Pension Overhaul Challenges Labor in Rhode Island Race

By William Safire and Brian Chappatto - Sep 7, 2014

When Rhode Island Treasurer Gina Raimondo pushed through pension cuts for government workers in 2011 in a bid to save \$4 billion, she earned the wrath of public unions -- and the support of voters like Mike Piccoli.

"If they didn't stop the bleeding now, it would have been a disaster," said Piccoli, a 54-year-old Democrat from Johnston, a city of 29,000 outside Providence, who worked as a union carpenter before becoming disabled. "She's the only one who did something about it."

Raimondo, 43, a former venture capitalist and Rhodes Scholar, is about to find out if her overhaul of the Ocean State's struggling pension system, which bolstered the state's standing on Wall Street, can be parlayed into the Democratic nomination for governor.

Rhode Island holds primaries tomorrow, and the election has turned into an open race between Raimondo, Providence Mayor Angel Taveras, 44, and Clay Pell, the 32-year-old grandson of a former Rhode Island U.S. senator. The campaign's focus has largely been on how to revive the state's economy. Rhode Island's 7.7 percent jobless rate is tied for the nation's third-highest.

### 'Real Signal'

As U.S. states and cities contend with underfunded worker retirement systems that are crowding out spending for services, roads and schools, the vote is a test of whether a Democrat can challenge unions that have been a pillar of the party's support and still win at the ballot box.

"It will send a real signal to other politicians about what it means to take on this particular interest group," said Marion Orr, a political scientist at Brown University in Providence and former head of its Taubman Center for Public Policy and American Institutions. "She may be able to pull this off."

Pensions are an issue in the race because the overhaul was Raimondo's main achievement since winning election four years ago. Her efforts have led Taveras to portray her as a tool of Wall Street.

Government unions have divided their support between Taveras, who was raised in public housing by his Dominican immigrant mother, and Pell, a former official in President Barack Obama's Department of Education and husband of Olympic figure skater Michelle Kwan. All three candidates went to Harvard University.

## Poll Leader

A poll last month by Fleming & Associates, a Cumberland, Rhode Island-based firm, found that Raimondo had the support of 32 percent of likely Democratic voters, with 27 percent backing Taveras and 26 percent for Pell. The survey of 503 people was conducted by landline and mobile phone from Aug. 11-14. It had a margin of error of about 4 percentage points.

Tomorrow's victor will face either Cranston Mayor Allan Fung or businessman Ken Block, both Republicans.

Public-sector unions have fought Raimondo for what they say were unnecessarily deep pension cuts that she pushed through the legislature instead of negotiating. The revamp she led included steps such as delaying retirement.

"I don't think there's anyone who's familiar with the state's pension who didn't think something needed to change, but there's a difference between tweaking and draconian cuts," said Phil Keefe, president of Service Employees International Union Local 580, which supports Taveras. "Everyone on labor's side was totally ignored."

## Providence's Challenges

Taveras faced fiscal challenges in Providence, which at one point was on the brink of running out of cash. The mayor, who negotiated a suspension to cost-of-living adjustments for workers and fired teachers to deal with budget shortfalls after the recession, faulted the treasurer for not working more closely with unions.

"Changes needed to be made," he said in an interview at a senior citizens center in East Providence last week, where he was meeting voters. "When people feel like they're part of the process, when they feel like there's shared sacrifice, they're willing to sacrifice too."

Pension benefits have strained municipalities following the financial crisis, when retirement systems suffered investment losses. Even with stock indexes setting record highs, states and local governments had about \$1.4 trillion less than they needed as of the end of March to pay for promised benefits, according to the Federal Reserve Board.

In Illinois, Pennsylvania, and New Jersey, such shortfalls have contributed to credit-rating cuts, which may cost taxpayers by increasing interest rates.

## Local Bankruptcy

The plight of public-pension funds drew attention in Rhode Island, where the economy was once driven by manufacturing and other factory work. In 2011, Central Falls, near Providence, went bankrupt, and its retirees eventually had to accept cuts to pension checks.

“You would have seen more bankruptcies just like Central Falls,” Raimondo said in an interview as she met voters at the Providence home of a supporter.

“If pension reform didn’t happen, the kind of cuts you would have seen to social programs would have just been wrong and painful,” she said. “The reality is we did pension reform to save pensions for hardworking school teachers and public employees.”

In 2010, the retirement system for state and municipal employees had \$7.3 billion less than it needed to pay for benefits, according to actuaries. To make up for years of underfunding, taxpayer contributions to the state retirement system were set to jump to \$615 million in 2013, more than double the 2010 level, according to a report from Raimondo’s office.

## 2011 Approval

In November 2011, acting on her recommendations, the legislature and Governor Lincoln Chafee, then a political independent, agreed to raise retirement ages, suspend cost-of-living increases and introduce 401k-style plans.

While the changes were passed by a majority in the legislature and went into effect, unions sued to block them. The measures are still being fought in court, after police officers rejected a proposed settlement. A Moody’s Investors Service analyst, Marcia Van Wagner, said the overhaul has helped the state preserve its credit rating, which at Aa2 is third highest.

“I would think it would prop up Rhode Island bond prices” if Raimondo wins the primary and the November election, said John Mousseau, director of fixed income at Cumberland Advisors, which manages \$1.2 billion of munis from Sarasota, Florida. “Because of her voice and her profile, it can’t hurt other states that are facing similar pension pressures from taking that kind of a roadmap.”

## Profile Boost

Raimondo’s efforts raised her national profile and put her among Democrats, including Chicago Mayor Rahm Emanuel and San Jose Mayor Chuck Reed, who have fought public workers over

pensions. In Rhode Island, the changes boosted her popularity in December 2011, when those supporting the new law outnumbered opponents by more than two-to-one, according to a poll by Brown University's Taubman Center.

John Antonelli, a state parole officer, isn't among the backers. He said it was unfair to change benefits for workers mid-career, and criticized Raimondo for not working closer with unions.

"Raimondo is awful, what she did to our pensions," said Antonelli, 57, from Warwick, who said he planned to vote for Pell. "I signed on for a certain type of pension and I'm not going to get it."

Taveras has run TV ads criticizing "Wall Street values" and has challenged Raimondo for reducing pension benefits at the same time that she was putting more of the state's retirement money into hedge funds that charge higher fees than traditional investments.

Those arguments didn't resonate with Piccoli, the carpenter from Johnston, who said the pension changes probably cushioned public workers from an even bigger hit later.

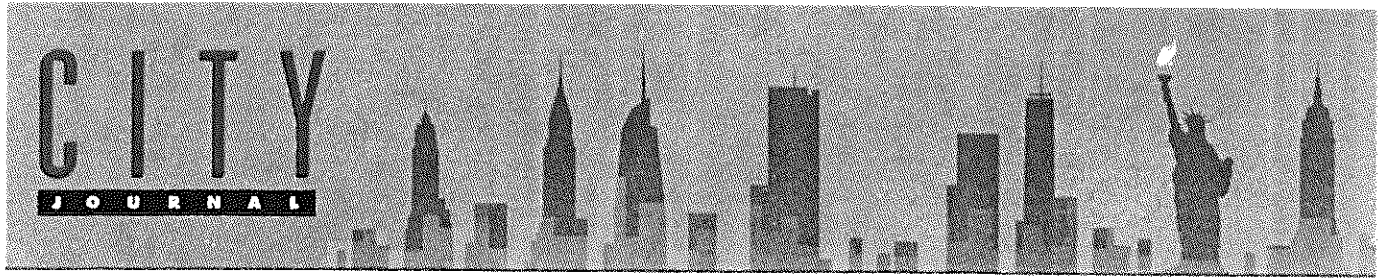
"She saved a lot of money for the public," he said. "She saved the unions in the long run."

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Mark Tannenbaum, Pete Young

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# **EXHIBIT 6**



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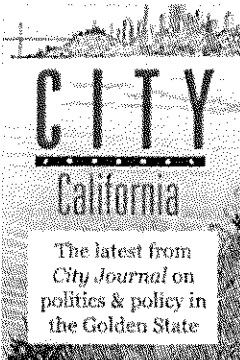
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## California

STEVEN GREENHUT

### Rebuked Again

*A judge blocks a pension-reform measure in Ventura County*

25 August 2014

Last year, a group of dogged California pension reformers gathered in a hotel in downtown Sacramento. There, they plotted the next step for a reform movement that seemed poised to tap into voters' growing interest and concern. Unfunded pension liabilities weren't just weighing down the state's balance sheets. Golden State cities—on the hook for six-figure pensions for their police and firefighters—were being pushed to the brink as the economy struggled to recover from the Great Recession. Some cities, such as Stockton and San Bernardino, went into bankruptcy. Media reports were filled with stories of the greed of government employees.

Reform's time had come—or so it seemed. But by last year's meeting the most hopeful opportunities were gone. The economy had rebounded and the state's voters, in approving a large tax increase backed by Governor Jerry Brown, essentially put an end to the short-term budget crisis. Not that short-term budget deficits had much to do with the Golden State's long-term debts, but the financial doom and gloom faded from the headlines, replaced by a new narrative touting California's "comeback."

In June 2012, voters in two heavily Democratic cities—San Jose and San Diego—approved pension-reform measures. San Jose's was the most far-reaching, in that it challenged the core obstacle to serious pension reform in California. In fact, the courts have consistently ruled that governments cannot reduce pension promises made to current employees. San Jose claimed that as a charter city it could indeed do this and voters, by a 70 to 30 percent margin, agreed to give city employees an option: Pay more for the current plan or choose one with lower benefits. But a Santa Clara County Superior Court judge gutted the reform measure, saying San Jose could cut its employees' pay, but not their pension benefits.

San Diego voters, by a similar margin, approved a 401k-style deal for new workers and a cap on pensionable pay. A state government agency, the Public Employment Relations Board, continues to claim that the vote was illegal (it insists that the city should have negotiated with employees first, even though the measure was qualified for the ballot by voter petition). But San Diego's approach has passed its legal hurdles despite the continuing PERB harassment.

Already bruised by the court defeat, San Jose mayor Chuck Reed found his effort to launch a statewide initiative undermined by California's highly partisan attorney general, Kamala Harris. She wrote a title and summary for the measure that read as if they were written in a union office. With a negative title and summary, proponents realized that they



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could never qualify the measure for the statewide ballot. So Reed withdrew it. The unions won again.

That's all a necessary backdrop to the Sacramento meeting, where activists—including former San Diego city councilman Carl DeMaio, now a congressional candidate—promoted a new plan. It was sensible and focused on the positive. Despite the legislature's refusal to fix pensions (beyond a superficial reform signed into law as a means to coax voters into supporting the Proposition 30 tax increase in 2012), despite the courts' refusal to allow changes for current employees, and despite the attorney general's obstructionism, San Diego's measure had survived. So reformers thought it might be a good idea to take that approach and spread it to California's so-called "37 Act" counties. A 1937 state law allows counties to create separate retirement funds distinct from the state system. There are 20 such counties, including Los Angeles, San Diego, and Orange.

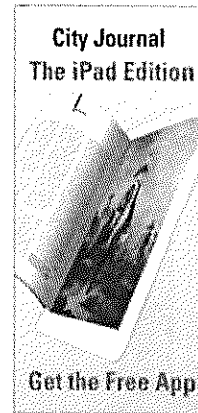
Ventura County had a group of eager pension-reform activists, so DeMaio and others touted a signature drive there to place reforms on the ballot that included 401k-style plans for new hires, a potential cap on pensionable pay, and limits on pension spiking. Once Ventura approved it—and voters surely would, despite opposition from a union-friendly board of supervisors—the movement would spread statewide.

Naturally, the public-employee unions sued. And in a ruling that DeMaio described as deplorably off the mark, Ventura County Superior Court judge Kent Kellegrew on August 4 rebuked the measure, taking the unusual step of keeping it off the county's general election ballot. The judge said that the 1937 law didn't include language for counties that want to remove themselves from the local pension funds, making the proposed measure illegal. He called on reformers to take their case to the legislature—where all pension reforms go to die. Kellegrew also said the measure violated the state's single-subject rule. He claimed that the new pension plan and a cap on pensionable pay amounted to two separate issues, and only one is allowed for an initiative.

The Ventura reformers told the local newspaper that they would not appeal Kellegrew's decision. They don't have pockets deep enough to compete with the state's labor unions, which rightly saw Ventura as a potential groundbreaking initiative. So virtually every approach has failed thus far.

DeMaio, the epitome of the happy warrior, isn't giving up and wants to focus again on a statewide initiative campaign in 2016. The problem isn't going away. Unfunded liabilities are high and cities are still struggling. How dogged will the reformers remain?

**Steven Greenhut is the California columnist for U-T San Diego (formerly the San Diego Union-Tribune). Write to him at [steven.greenhut@utsandiego.com](mailto:steven.greenhut@utsandiego.com).**



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1 *San Jose Police Officers' Association v. City of San Jose*  
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***San Jose Police Officers' Association v. City of San Jose***  
**No. 1-12-CV-225926 (and consolidated actions)**

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